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10 Sun Microsystems, Inc.

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                    UNITED STATES DISTRICT COURT
12
                  NORTHERN DISTRICT OF CALIFORNIA
13
                     SAN FRANCISCO DIVISION
14

15 | NETWORK APPLIANCE, INC., | CASE NO. 3:07-CV-06053 EDL (JCS)

16 | Plaintiff – Counterclaim | DECLARATION OF GRAHAM LOVELL IN
   | Defendant, | SUPPORT OF SUN MICROSYSTEMS,
17 | | INC.'S REPLY IN SUPPORT OF MOTION
   | v. | FOR PARTIAL STAY OF THE CASE
18 | | PENDING REEXAMINATION OF UNITED
   | SUN MICROSYSTEMS, INC., | STATES PATENT NOS. 5,819,292, 6,857,001
19 | | AND 6,892,211
   | Defendant - |
20 | Counterclaimant. | Date: May 13, 2008
   | | Time: 9:00 a.m.
21 | | Courtroom: E, 15th Floor
   | | Hon. Elizabeth D. Laporte

22   I, Graham Lovell, declare as follows:

23   1. I am currently the Senior Director of Marketing for Storage Servers and

24   Appliances for Sun Microsystems, Inc. ("Sun") and have been since September,

25   2007. Prior to that, I was employed by Sun from July, 1989 through October,

26   2006. During that time, I also served as a Senior Director of Marketing and held

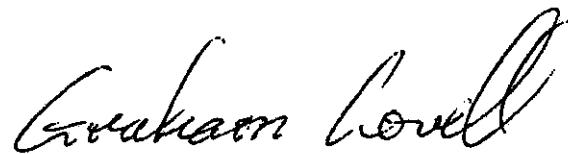27   various director and managerial roles, including managing the market share and

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customer appeal of the Solaris operating system. I have personal knowledge of the following facts, and if called as a witness, could and would testify thereto.

2. Sun's Zettabyte File System ("ZFS") was first publicly announced on or about November, 2004. Attached hereto as **Exhibit A** is a true and correct copy of a technical white paper, dated November, 2004, available on Sun's public website, that discusses the ZFS technology.

3. ZFS was first released to the general public with Open Solaris 10, build 27a, on November 16, 2005.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 2, 2008 in Austin, Texas.

Graham Lovell
Graham Lovell